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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/102,149	06/22/98	OKADA Y	1081.1071/JD

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EXAMINER	
ONUAKU,C	
ART UNIT	**PAPER NUMBER**
2715	5

DATE MAILED: 08/30/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.	Applicant(s)
09/102,149	Okada
Examiner	**Group Art Unit**
Christopher Onuaku	2715

☐ Responsive to communication(s) filed on _____

☐ This action is **FINAL.**

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claim

☒ Claim(s) 1-9 is/are pending in the applicat

Of the above, claim(s) _____ is/are withdrawn from consideration

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-9 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☒ All ☐ Some* ☒ None of the CERTIFIED copies of the priority documents have been

☒ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 3&4

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stewart et al (US 5,825,967) in view of Hooper et al (US 5,442,390).

Regarding claim 1, Stewart et al disclose in Fig.1 video processing system with random access frame store for video editing, comprising:

a) a "first" storage unit for storing video image data at all times (see VTR 2; col.3, lines 5-20)

b) a "second" storage unit for storing video image data to be played back (see editing memory 12; col.4, lines 30-55;

c) a control means for searching the "first" storage unit for video image data which has been indicated, and storing the indicated video image data in the "second" storage unit (see control processor 10; col.4, lines 5-55).

Stewart et al fail to explicitly disclose processing broadcast video image data. Hooper et al teach receiving, recording and reproducing broadcast stream video data from cable or television channels (see col. 5, lines 7-19, and col.7, lines 25-60). It would have been obvious to one of

ordinary skill in the art to modify Stewart by adding the means to process broadcast video data, as taught by Hooper, in order to process broadcast video data.

Regarding claim 2, Hooper teaches wherein broadcast video image data are stored according to FIFO sequence (see col.4, lines 36-47; col.7, lines 50-60; and col.8, line 54 to col.9, line 11).

Regarding claim 3, Hooper teaches wherein broadcast video are received for recording and reproducing from cable and television channels (see col.3, lines 31-46 and col.5, lines 7-50).

Regarding claim 4, Stewart discloses indicating means for indicating the video image data to be played back (see frame identification data; col.7, lines 10-32).

Regarding claim 5, Stewart discloses wherein the indicating means includes means for being operated by a user (see col.4, lines 25-29; col.7, lines 20-32).

Regarding claim 6, Stewart discloses wherein the indicating means comprises means for determining the video image data to be played back from a list of information indicative of how video image data has been recorded by a user (see menu, col.4, lines 25-29; and EDL, col.10, lines 26-30).

Regarding claim 7, Stewart discloses wherein the indicating means comprises means for determining video image data which is recorded with highest probability in the list as the video image data to be played back (see col.1, line 62 to col.2, line 23).

3. Claims 8&9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stewart et al in view of Yuen et al (US 5,335,079).

Regarding claims 8&9, Stewart fails to disclose wherein the indicating means comprises means for updating the list and placing video image data which has been recorded most recently in a location of highest priority in the list. Yuen et al teach the timer preprogamming feature of video cassette recorders (VCRs) and to an apparatus and method for using encoded information to shorten the time required to perform timer preprogramming comprising a stack memory 76, wherein if a first program is entered, it is placed at the top location of the stack memory. If there are already programs in the stack memory, the newly entered program will first be provisionally placed at the bottom of the stack memory. The stack memory will then be sorted into the correct temporal order so that the earliest program in time will appear in the top location and the last program in time will be at the bottom (see col.18, lines 11-65). Placing the newest recorded image data at the top location in a storage means with the highest priority, during storage means update operation, would, for example, serve as a reminder to the user that the video image at the top of the list is the most current video image. It would have been obvious to modify Stewart by realizing Stewart with the means to place the most recently recorded data, during storing update,

at the top location of the storing means with the highest priority, as taught by Yuen, in order, for example, to serve as a reminder to the user that the video image at the top of the list is the most current video image.

With Stewart now modified with Yuen, it would have been obvious to place the most recently recorded video image data at the top of the list with the highest priority, when updating the list, which would, for example, serve as a reminder to the user that the video image at the top of the list is the most current video image.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Hirayama et al (US 5,630,006) teach a multi-scene recording medium for recording a program and an apparatus for reproducing any one of the data strings of the program, Kiesel (US 4,729,044) teaches editing serially stored audio-visual information in a selected sequence, and Gardner et al (US 5,051,845) teach a closed-loop video post production process in which program segments recorded into the program are made available as source material to be used in creating subsequent program segments.

5. Any inquiry concerning this communication or earlier communications from this examiner should be directed to Christopher Onuaku whose telephone number is (703) 308-7555. The examiner can normally be reached on Tuesday to Thursday from 7:30 am to 5:00 pm. The examiner can also be reached on alternate Monday.

If attempts to reach the examiner by telephone is unsuccessful, the examiner's supervisor, Wendy Garber, can be reached on (703) 305-4929.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 308-6306 and (703) 308-6296, (for formal communications intended for entry)

Or:

(703) 308-6306 and (703) 308-6296 (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington. VA., Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application should be direct to the Group receptionist whose telephone is (703) 305-4700.

COO

8/23/00.

Wendy Garber
Supervisory Patent Examiner
Technology Center 2700